

PACKERS WIN

Individual Defendants Discharged, but Corporations Must Stand Trial.

ENTITLED TO SILENCE

Judge Humphrey in Chicago Court Finds Testimony to Garfield Was Not Voluntary.

GOVERNMENT MAY APPEAL

Case of Corporations Under Indictment May Not Be Called Before Next Fall.

CHICAGO, Ill., Wednesday.—All the meat packers who were indicted by a federal grand jury last summer on charges of conspiracy in restraint of interstate trade and commerce are granted immunity from criminal prosecution under the indictment. While the individuals are to go free, the indictments found against the corporations, of which some of the indicted packers are members and others are employees, are to stand.

Judge J. Otis Humphrey gave a decision to this effect in the United States District Court today. The arguments in the case were concluded late this afternoon, and Judge Humphrey at once commenced the delivery of his oral opinion. Part of the decision was:

"The defendants are indicted under the Sherman Act, charged with a conspiracy in restraint of trade. They have pleaded that, as to them, that act should be suspended, because they were compelled to furnish evidence concerning the matter in the indictment, and under the law such furnishing of evidence gives them immunity. The law under consideration, for the construction of which the court is called upon to decide, is the commerce and labor act. It is clear that the primary purpose of this act was to enable Congress to provide, through the channel of officials charged with the execution of the laws, remedial legislation.

"The act is a substitute for one of the most cherished rights of the American citizen, which is the right to remain silent when questioned about any subject the answer to which might incriminate him. It is conceded that the privilege amendment to the Constitution cannot be taken from the citizen without giving to him something equally valuable in return. The privilege of the amendment permits a refusal to answer a question relating to the offense. The privilege must be claimed by the witness at the time. The immunity is to the witness without any claim on his part.

"It is contended that the defendants in this case were volunteers because they bargained with Garfield at times, debated, resisted, gave less than he asked and withheld some things. The record does show that, but the fact remains that every approach was made by the government. Garfield made his demands, and it does not to his mind destroy the character of the compulsion under which they acted, that the defendants, after having considered the law, and after having decided that they had no legal right to resist, still decided with the Commissioner in the hope of inducing him to take something less than he originally demanded.

"Garfield came to the defendants and held up before them the powers of his office. They did not go to him and volunteer anything. Now, after the fact, they volunteered nothing, save only what was demanded by an officer who had the right to make the demand, and gave in under duress. I said in conclusion: 'I am of the opinion that they were entitled to immunity.'

"Judge Humphrey then discussed the contention by the government that the witnesses did not give under compulsion because they were not under what was known in law as testimonial compulsion. He said that he could add nothing to what had been said in his opinion. 'Under the law in this case, the immunity plea filed by the defendants was sustained as to the individuals, and as to the corporations, and the jury will find in favor of the government as far as the corporations are concerned, and against the government as far as the individuals are concerned.'

Immediately following the decision District Attorney Morrison said: 'I will not make any record now in regard to motions for new trials or an appeal. I do not know whether I am entitled to an appeal or not. I shall have to ask time to look it up.'

"We ask for judgment on the verdict," said Attorney Morrison. "The defendants are discharged." The individuals who go free under the decision are J. Ogden Edwards, Edward Morris, Charles W. Armour, Ira N. Morris, Louis E. Swift, Edward E. Swift, Charles N. Swift, Edward E. Swift, Arthur Meeker, T. J. Connors, P. A. Valentine, A. H. Veeder, Arthur F. Evans, I. A. Carter, Robert C. McManus and D. E. Hartwell.

The corporations which must stand trial are Armour Packing Company, Armour & Co., Cudahy Packing Company, Fairbank Canning Company and Swift & Co. During the delivery of the decision the court was crowded with spectators. The attorneys for the defendants shook hands with the jurors, who had been excluded from the court room during all the arguments made in the case, and who returned a verdict in accordance with the directions of the court.

District Attorney Morrison asked that for the case of the corporations be set for trial within two weeks. This met with a storm of protest from the attorneys for the packers, who insisted that they would be unable to prepare for the case before fall. Judge Humphrey directed that the lawyers appear among them on a date. The attorneys for the packers declared that their witnesses would number fifteen hundred, and the government has already said that it would have one hundred or more.

MOODY EXPECTED VICTORY

Regarded Beef Packers' Case as Most Popular Prosecution.

HERALD BUREAU, No. 724 FIFTH AVENUE, N. Y., Washington, D. C., Wednesday.—The Attorney General Moody, who has just returned from Chicago, was absent from his residence to-night when his opinion was sought as to the effect of the decision that the individual packers were immune, and that only the corporations could be prosecuted in the beef trust case. Mr. Moody had set his heart on gaining a great legal victory in this case, which the administration recognizes as more popular than any prosecution undertaken by the federal government.

BANK PRESIDENT GOSSIN ARRESTED

Thomas W. Kiley Admits He Married No. 2 When He Thought No. 1 Was Dying.

THEN NO. 1 RECOVERED

Wealthy Brooklyn Man Maintained Two Fine Homes Only Mile Apart.

LAWYER SUES FOR \$37,500

Demands Money for Alleged Settlement with Second Wife—Kiley's Love for Mrs. Colt Began in Childhood.

Confessing he is a bigamist, Thomas W. Kiley, president of the North Side Bank, Brooklyn, gave yesterday as his reason for frequently taking to his second wife, who lives at No. 215 Brooklyn avenue, to neighbors and friends she has been known for several years as Mrs. Flora A. Colt, a wealthy widow, and Mr. Kiley has been introduced as a relative.

Frankly admitting that he loved his second wife more than his first wife and that this love was not changed by the fact of his two marriages having become known, Mr. Kiley said it was the understanding between himself and Mrs. Colt that their marriage should be kept secret until the present Mrs. Kiley was dead.

In affidavits made when she filed a suit to recover \$350,000 damages, Mrs. Colt alleged that Mr. Kiley had represented that he was single and that she had been led into the marriage by his false representations. Suit is now pending against Mr. Kiley for the recovery of \$37,500 by John S. Griffith, a lawyer, who alleges that he had a contract with Mrs. Colt that he would receive twenty-five per cent of whatever was recovered from Mr. Kiley in the suit she had instituted. In his affidavits Griffith contends that he has been informed that Mrs. Colt has received \$350,000 in settlement of her claims against Mr. Kiley. This the banker denies.

Mr. Kiley's second marriage took place in Hammond, Ind., in October, 1903, when he was on his way to a convention of bank presidents in San Francisco.

Thought Wife Dying.

"Mrs. Colt went with me on the trip, and we discussed getting married," he said, yesterday. "I told Mrs. Colt I was anxious to have her marry me. Mrs. Kiley was very ill when I started West, and I was convinced she would be dead before we returned to Brooklyn. I would not have been married if I had not been certain she would die. We talked the matter over and decided to keep our wedding a secret for a few weeks."

Mr. Kiley is sixty-five years old, and his wealth is estimated at several million dollars. His financial interests are large, and he is head of the hardware house of Thomas W. Kiley & Co.

When he was six years old Kiley's parents died and he went to work in the hardware store of Guy R. Brown, who was the father of Mrs. Colt. Brown lost his money, and Kiley worked for the last years of his life for the first day he went to work for Brown Kiley was a playmate of Flora Brown, who is now the second Mrs. Kiley. His marriage did not alter his friendship for Mrs. Colt, who had married a Western man. About eight years ago Colt died, leaving his widow with one son. She went to live with her parents in Hancock street, Brooklyn, and when her father died Kiley contributed to her support. His wife became an invalid a short time after their marriage, and Kiley said his home life was very lonely.

"It was in bad health when I started for California," said Kiley, "and was almost dead. I took her with me for her protection. It was the only comfortable act in my entire career and I must confess that I carried her when I believed my wife was dying."

When we were married the agreement between Mrs. Colt and myself was that she should live publicly as man and wife as soon as my wife was dead. Mrs. Kiley did not object, but she was not to be known as my wife.

"When we returned we were astonished to find Mrs. Kiley alive and decided there was nothing we could do but keep the matter secret. She was not to be known as my wife. I continued to live with Mrs. Kiley and to provide for her expenses, giving them everything they wished for."

It was as a result of a suit started by Mrs. Colt that the marriage was discovered. The second marriage, that the dual life led by the banker has at last become known.

Kiley said the suit was not brought because of unpleasant relations between himself and Mrs. Colt, but that she was afraid to take action against him. Whatever the cause, Mrs. Colt brought action to recover \$37,500 from Kiley, and employed John S. Griffith for her lawyer. The banker met the lawyer and offered to settle the case for \$30,000. According to depositions made by Griffith in an action now pending against Kiley, the sum was shortly after increased to \$37,500. This was also refused. Griffith was then informed that Mrs. Colt, he alleges, that the case had been settled and that she should stop proceedings. William F. Scott, of the firm of Scott, Upson & Newman, Manhattan lawyers, offered Griffith a nominal fee, which he refused and brought action to recover \$37,500.

Attached to the papers filed by Griffith is an affidavit made by Mrs. Colt, in which she alleges that she was led to marry Kiley by his false representations, and that she did not know he had a wife living until she was married to him.

Mrs. Colt's home is in a fashionable section in Brooklyn Hills. Her son, who is now a lawyer, lives with her. "Mother will have nothing to say about the matter," Mr. Kiley is headquarters for all information and what he says is reliable. You can depend on it that what he says is true. Let us hearly thank you and, through you, the Christian Herald, for the admirable work done in connection with the famine sufferers in Japan. You have now raised \$100,000 and you have rendered a very real service to humanity and to the cause of international good will. He says: (Signed) "THEODORE ROOSEVELT."

GOSLIN ARRESTED

He, His Brother Edmund and Charles M. Dunn Charged with Conspiracy.

STOCK SALE BEHIND IT

Warrants Obtained by Werner Fabian, President of the Western Gold Mining Company.

PRISONERS SCORED IN A SUIT

When Taken to Headquarters Goslin Calls the Move an Outrage—Is Shown His Picture in Rogues' Gallery.

Alfred R. Goslin, whose name has been dragged into so many questionable financial transactions that the police have lost count of them, was in a cell at Police Headquarters last night for the first time in seven years.

With him were his brother and Charles M. Dunn. Goslin's fertile mind is said to be responsible for an ingenious swindle, in which the Western Gold Mining Company, of Oroville, Cal., was seriously affected and through which three prominent European banking houses suffered a loss of about \$30,000.

So wide are the ramifications of the supposed swindle and so cunningly is the trail of its perpetrators concealed that the police, with the assistance of District Attorney Jerome, exhausted every effort before they were able to evolve a clue. Finally sufficient evidence was developed by Assistant District Attorney Lockwood, who is in charge of the case, to warrant the arrest of Goslin. He was taken into custody on a warrant sworn out by Werner Fabian, president of the gold mining company, and Dunn was arrested on the same instrument, issued by Magistrate Steiner, in which conspiracy was alleged.

Arrested Simultaneously.

Detective Sergeant McConville arrested Dunn at Lee avenue and Hewes street, Brooklyn, about seven o'clock last night, while at about the same hour Detective Sergeant Hughes arrested Goslin and his brother as they were descending the stairs from Brooklyn Bridge. With a show of indignation, Goslin denounced his arrest as an outrage. He always could be found when he was wanted, he said, and he had no intention of running away.

He was taken to Headquarters, where his "pedigree" was taken, and it was announced by his great disfigurement that his photograph was No. 3,473 in the Rogues' Gallery. The brother, Edmund Goslin, was locked up on the technical charge of being a suspicious person, in the hope that to-day's developments will enable the authorities to more closely connect him with the pending criminal proceedings.

Once before, Goslin has been accused of being the principal figure in a transaction similar to the present one, which is the outgrowth of a decision rendered by Judge Greenbaum, on Tuesday, wherein he scored all parties to an attachment against the Western Gold Mining Company except the defendant corporation, and declared that he believed them to be in collusion. Mr. Fabian, who had come on to defend his company, made a superficial investigation, and finding more than slight basis for his already awakened suspicions, at once laid the entire matter before the District Attorney.

Goslin Posed as "Griffin."

According to his story some time ago Harry Briggs introduced him to a capitalist named "A. Griffin," who wished to invest in treasury stock of the mining company. He gave "Griffin," who was none other than Goslin, an option on 20,000 shares, and later heard that this stock was being extensively dealt in on the curb. This was contrary to the agreement which precluded the sale of the treasury stock, but before he could make a move in the matter he was hurried east by the attachment filed against his corporation.

This action was introduced by Charles Turner, of No. 1023 Gates avenue, Brooklyn, as assignee of Charles M. Dunn, who, it was represented, had invested \$25,000 in the mining concern. The application for an attachment set forth the grounds of irregularity which caused the assignee to attempt to recover either the money or its equivalent value.

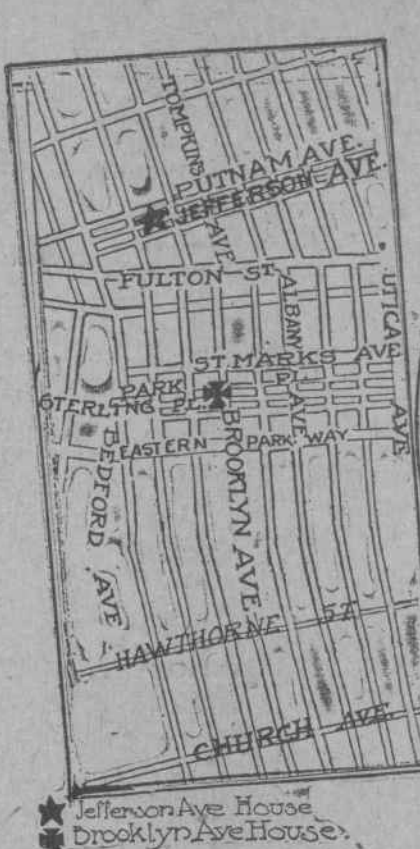
Evidence introduced by Le Roy D. Ball, Jr., counsel for the Western company, caused the attachment to be denied by a decision, which sent Turner, Dunn and Whitman & Thren, brokers, who were said to have sold the stock to Dunn. Over all hung the shadow of Goslin, and the Judge did not hesitate to denounce the apparent connection that all the parties concerned seemed to maintain with the notorious former convict.

His method of playing both ends against the middle did not stop with the refusal to attempt to legally attack the mining company. According to the authorities, he was the genuine holder of the stock, and he had been established through the "wash" sales of Whitman & Thren, Goslin's brokers. The foreign houses executed their orders and waited for their customer to come back to get his stock, for which the brokers had sold at \$25.00 over to Whitman and Thren for \$3.75 which they had received as margin. Needless to say, Mr. Goslin did not return.

Goslin in Waller Syndicate Fraud.

It is considered a matter of doubt whether or not the European houses have a basis for action.

HOMES OF J. THOMAS W. KILEY'S WIVES AND MAPS SHOWING LOCATIONS.



SWINDLED CROWD AT OPERA HOUSE

Hundreds of Persons with Tickets for Alleged Masonic Concert Find Only Closed Doors.

EACH HAD PAID A DOLLAR

Angry Throng Is Sent Scrampering to Madison Square Garden, to Meet with a Second Disappointment.

Scattered throughout Manhattan, Brooklyn, Weehawken, Hoboken and other neighboring settlements to-day there are about seven or eight hundred persons who would very much like to lay hands upon an enterprising and ingenious individual who sold tickets for a performance which did not perform at the Metropolitan Opera House last night. The police and the authorities of various Masonic organizations are also eager to meet him. The only difficulty in the way is that no one knows who he is; at least, no one who does know could be found in the crowd that besieged the closed doors of the opera house.

Acting Captain McCullough and a policeman a little before eight o'clock observed that a group of men and women were gathering on the sidewalk in front of the opera house, where they were gathering with more or less emphasis of gazing blankly at the dark exterior or at the bills announcing the scheme of the next opera season, the last one having closed on Saturday night. Within a few minutes the throng had grown so large that it spread out into the roadway and threatened to block the theatre hour push.

Captain McCullough then began an investigation and found that virtually every one in the crowd had a neatly printed ticket which read: "Metropolitan Opera House (Broadway and Fortieth street), Grand Benefit, under the auspices of the Grand Lodge, F. & A. M. Allied Masonic Bodies, in aid of the Daniel D. Tompkins Memorial Fund, Wednesday Evening, March 21, at eight P. M. General Admission, \$1.00." Each ticket was marked by a letter and a number in the lower left hand corner and in the centre bore a circular red stamp purporting to be the seal of the Grand Lodge of the State of New York.

As eight o'clock passed with no sign of life from inside the opera house and as the crowd continued to grow in size and impatience, Captain McCullough summoned all the available policemen in the neighborhood to maintain order. In the meantime no one could be found about the opera house who had ever heard of the affair and no one in the crowd even knew what sort of a show it was to have been, the projector of it having neglected to give that information.

It was about half-past eight when a report spread through the crowd that the performance was taking place in Madison Square Garden, and there was a rush for the cars, where four processes of the crowd started down Broadway. Whether or not this was a ruse to clear the street did not appear, but, reaching the Garden, the crowd was subjected to a second disappointment. There was nothing going on there but a full dress rehearsal of the opera.

Eventually it became apparent to the victims that they had been hoodwinked, and the angry throng began to disperse. Little groups of men got together, however, to compare notes, but all they could learn from one another was that nearly every one had bought his ticket from a friend, who had bought it from some other friend, who had bought it from a lodge in that borough had bought two hundred tickets and others resold them at a profit. The crowd was in Weehawken, Hoboken and Jersey City.

There were many Masons, with their wives and families, in the crowd, but none for it had been decided judicially that the name of the order had come to be used.

HALTS COTTON LEAK BILL.

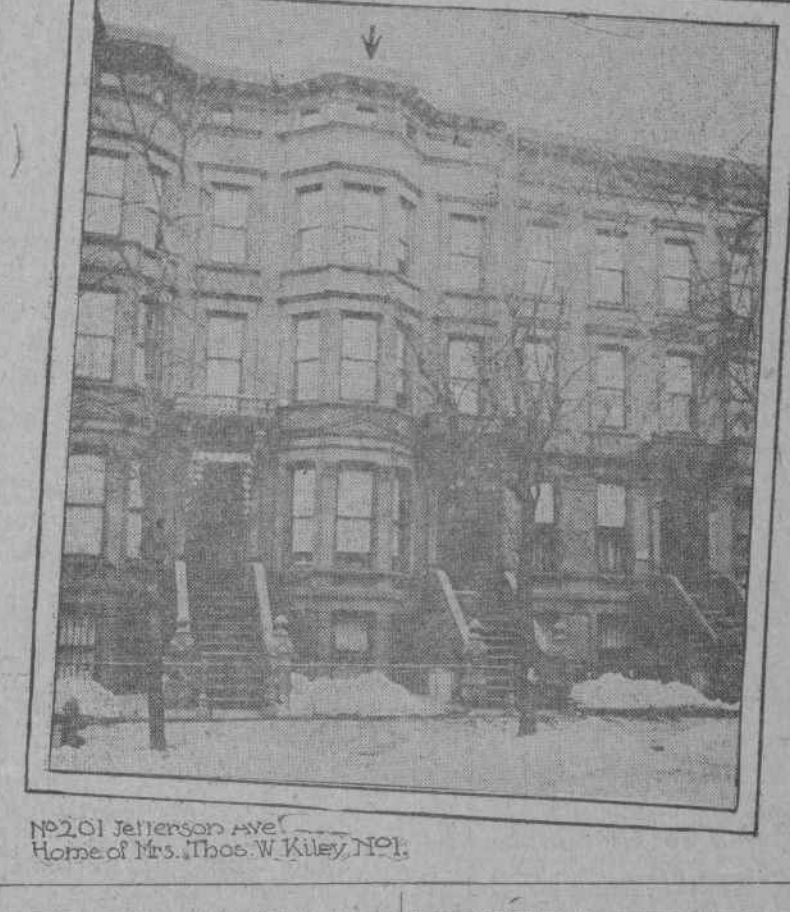
Measure Forbidding Federal Officers Giving Market "Tips" Runs Afoul of Senate Rules.

HERALD BUREAU, No. 724 FIFTH AVENUE, N. Y., Washington, D. C., Wednesday.—The Burlington bill making it an offense punishable by heavy fine or imprisonment for any officer or employee of the United States to give out information affecting the stock market or to speculate while such information is in his possession has run afoul of the Senate rules. After the bill passed the House it was passed by the Senate and then went to conference, where it was discovered that the prohibition did not include members of Congress, and the members of Congress are not officers of the United States, but of the State governments.

Senator Clark finally withdrew the measure report until both the Senate and House can adopt a concurrent resolution authorizing the conference committee to insert the needed amendment.

Jealousy Causes Murder and Suicide.

PRINCETON, Pa., Wednesday.—Ignatz Michals, proprietor of a small restaurant at No. 77 Calverhill street, this city, shot and killed Helen Schlager, his housekeeper, to-day, and then sent a bullet into his own head, inflicting a probably fatal wound. Jealousy caused the quarrel.



CIRCLED EARTH WITH A HANDBAG

Yonkers Contractor Arrives on the Kaiser Wilhelm II. After Record Light Marching Trip.

SAW THE TRIUMPH OF OYAMA

F. A. Garnjost Made Long Journey with Little More Than the Traditional Paper Collar.

F. A. Garnjost, a contractor, of Yonkers, walked off the Kaiser Wilhelm II., of the North German Lloyd line, yesterday morning, just from a trip around the world, and established what is said to be a record in getting past the customs lines. Mr. Garnjost's baggage consisted only of a small handbag, and with it he walked straight to the customs' desk, got an inspector to peep into the bag, and was off to catch a train for home within two minutes after landing.

Mr. Garnjost believes that during his trip he carried the smallest amount of baggage ever taken around the world by a traveler who was provided with all the usual necessities. Having crossed the Atlantic many times, he came to the conclusion that the average tourist carries too many clothes. Having in mind a tour around the world, he determined to make a test of his theory.

Leaving Yonkers on October 14, on his way to San Francisco, Mr. Garnjost picked up a little leather handbag, about one foot long, eight inches wide and ten inches deep, three shirts, three suits of underwear, four pairs of socks, half a dozen handkerchiefs, a shaving outfit and a sewing kit. These, with a small camera and a light overcoat, made up his outfit, though mention should be made of the fact that his collar and cuffs were of celluloid.

"At San Francisco," said Mr. Garnjost, "I took a steamer for Honolulu, and thence I went to Manila, where I arrived the same day as William Jennings Bryan. Next I went to Yokohama, and thence to Tokyo, where I saw the reception given to Field Marshal Oyama, on his return from the war. Next I went to Hong Kong and Canton, and thence to Ceylon and India. I came by way of the Suez Canal to Port Said, going from there to Cairo. At Rome I had a brief audience with the Pope, and then I went up into Austria and Germany, catching the steamer at Bremen."

"I have had the best time of my life, and am back with just the same clothes with which I started—although," Mr. Garnjost admitted, "I have had to do a great deal of sewing."

STILL TRUE TO CONFEDERACY.

Mayor of Richmond, Va., Says He Recognizes Only the Southern Battle Flag.

Richmond, Va., Wednesday.—"I am the son of an Irishman and I recognize but two flags, the State flag of Virginia and the battle flag of the Confederacy. The Stars and Stripes are all right in their way, but for me there are but two flags, the State flag of Virginia and the battle flag of the Confederacy, and so far as I am concerned I recognize the battle flag of Virginia."

Mayor McCreary, of this city, made the above declaration to-day in an address of welcome to the delegates of the Southern Exchange at its seventeenth annual convention.

MUTUAL TRUSTEES CAN ESCAPE CHOATE DRAGNET

Members of the Board Are Called On to Furnish Information That Will Make Clean Sweep.

NEW REQUISITION HAS BEEN ISSUED

Former Directors, as Well as Those Now Acting, Included in Present Demand.

INQUIRY GROWING WARM

Present Action Removes All Belief That Truesdale Committee Indulged in Favoritism.

Joseph H. Choate and the members of the Truesdale investigating committee of the Mutual Life Insurance Company are not enlisted in any mere "whitewashing" enterprise.

If any members of the Mutual's Board of Trustees indulged the hope after the defection of Stuyvesant Fish and his friends that they were to escape the inquiry, they have been rudely undeceived. Each and every member of the old Board, including all who served between the dates of January 1, 1900, and December 31, 1905, has been served within a few days with a requisition for information, the terms of which are as comprehensive as legal talent can make them and as drastic as the Mutual's harshest critic could well demand. Joseph H. Choate is the author of the requisition, and it is issued with the unqualified approval of the Truesdale committee and the Mutual's executive administration.

Trustees who are now members of the Board, and who are amenable to the committee's demand for information, include Henry H. Rogers, George G. Haven, Augustus D. Julliard, James N. Jarvis, Adrian Iselin, Jr., Cornelius Vanderbilt, Robert A. Grannis, Frederick Cronwell, Dr. Walter H. Gillette, John W. Aschmeider, William Babcock, George F. Baker, George S. Bowdoin, Dumont Clarke, Julien T. Davies, Charles D. Dickey, William P. Dixon, Elbridge T. Gerry, Charles R. Henderson, James C. Holden, Charles Lanier, Charles E. Miller, Theodore Morford, Robert Oliphant, William Rockefeller, William H. Truesdale, Hamilton McK. Twombly and Herman C. Von Post.

Former trustees, recently resigned, but who come within the terms of the requisition, are Richard A. McCurdy and Robert H. McCurdy, Stuyvesant Fish, Ellhu Root, Rufus W. Peckham, James Speyer, Edgingham B. Morris and Dudley Olcott.

The New Demand.

Several weeks ago the Truesdale committee served upon all its officers and home office employees a requisition admittedly able and comprehensive, but the criticism was then made that the alleged offenders among the trustees, other than those who were also officers, were conspicuously exempted from the inquisitorial process. The hint then given that the trustees probably would receive due attention later is now realized in the present requisition, the demands in which follow:

"First—Have you during said period had any connection or business relations with any other company or corporation in which the Mutual Life Company had at the same time stock or other interest? If so, have you, as representing such other company or corporation, had any business dealings with the Mutual Life Company or through any one in its behalf which have resulted in your having received or are now receiving in any shape, manner or form, either directly or indirectly, any moneys, profits or perquisites of any kind from the Mutual Life Company, or have you had any dealings as an individual with the Mutual Life Company or any one representing it, for which you have received moneys, profits or perquisites other than your regular stated salary or trustee's fees? If so, please give the names of the other companies or corporations with which you have been connected and state fully any transactions of the kind indicated above; what moneys, profits or perquisites you have received, how you received them, and how long they have been received, with what officials of the Mutual Life Company you dealt, and who on its behalf authorized the transactions and payments?

"Second—Who, if any, of the officers or employees of the Mutual Life Company are related by blood or marriage to you, the holder of this requisition, and in what department employed and for how long, and whether, if so employed, outside of the office and ordinary departments or agencies of the company and where?

List of Banks.

"Third—Referring to attached statement marked 'Memo. A,' please state whether since January 1, 1900, you, individually or a firm of which you were a member, have owned any of the capital stock of any of the companies named in said 'Memo. A,' and if so, in which of them and the largest amount of such holdings at any one time since above date; the date or dates when you acquired same and whether same was acquired by you from or by reason of your connection with the Mutual Life Company, and through whom, and at what price or prices and at what price or prices you parted with any part of such stock.

"Memo. A" is a list of banks and trust companies in which the Mutual Life Company, on December 31, 1905, had holdings of ten per cent or more of the total outstanding capital stock of such companies. It includes these institutions:—The Guaranty Trust Company, United States Mortgage and Trust Company, National Bank of Commerce, Fifth Avenue Trust Company, Morris Trust Company, Morton Trust Company, Central Trust Company, Bank of California, Commercial Trust Company of New Jersey, Lawyers' Title Insurance and Trust Company, Mutual Alliance Trust Company, Title Guaranty and Trust Company and National Safe Deposit Company.

Fourth—Has the Mutual Life Company during the period above made you or any firm of which you were at the time a member any loans (other than on insurance policies) on collateral or other securities?